



STATE OF NEW JERSEY

OFFICE OF THE ATTORNEY GENERAL
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF ALCOHOLIC BEVERAGE CONTROL

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March 5, 2019

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Lt. Governor

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VIA OVERNIGHT MAIL

John E. Ursin, Esquire
351 Sparta Avenue
Sparta, New Jersey 07871

Re: IMO: Franklin Fire Department
Holder of License No. 1906-31-016-001
Investigation No. 2019-50118

Dear Mr. Ursin:

This letter acknowledges your letter dated January 31, 2019, regarding the Franklin Fire Department ("Fire Department"), holder of License No. 1906-31-016-001 (the "Club License"). Your letter and the Lease Agreement – Firehouse (enclosed) indicate that the Club License is sited on property owned by the Borough of Franklin, in Sussex County. Pursuant to N.J.S.A. 33:1-42, no municipally-issued alcoholic beverage license may be sited on public property. Rather, only a Special Concessionaire Permit (formally known as a State Annual Permit) issued by the Director, Division of Alcoholic Beverage ("Division"), may be sited on public property. See, N.J.A.C. 13:2-5.2. For this reason, Franklin Borough should not renew the Club License for the 2019-2020 License Term unless it is removed from public property. Please also be advised that the Division will not take administrative disciplinary action against the Club License for simply operating on public property during the balance of the 2018-2019 License Term.

Notwithstanding, the Fire Department may apply to the Division for a Special Concessionaire Permit (also known as a "Annual State Permit"), pursuant to N.J.A.C. 13:2-5.2, so that it can operate during the 2019-2020 License Term without interruption. Please note, however, that while it operates under the Club License, the Fire Department may only sell alcoholic beverages for on-premises consumption to its bona fide members. However, if the Franklin Fire Department obtains a Special Concessionaire Permit, it will not be subject to this restriction, unless the Director places a special condition on it. Thus, if the Fire Department applies for the Special Concessionaire Permit, Franklin Borough should promptly submit its official position (and supporting evidence) as to whether, and why, the Director should impose the aforementioned special condition.

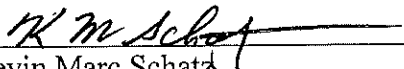


Regarding the recent inspection of the Fire Department, the Enforcement Bureau will review the entire matter and decide what disciplinary action, if any, is appropriate after the Investigations Bureau has completed its report.

Your consideration of the foregoing is appreciated.

Very truly yours,

GURBIR S. GREWAL
ATTORNEY GENERAL OF NEW JERSEY

By: 
Kevin Marc Schatz
Senior Deputy Attorney General
Chief, Enforcement Bureau

c: Darlene J. Tremont, Clerk
George T. Daggett, Esquire
James B. Graziano, Acting Director